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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

17  
18 TRIA BEAUTY, INC.,  
Plaintiff,  
19 vs.  
20 RADIANCY, INC.,  
Defendant.  
21

CASE NO. CV-10-5030 (RS) (NVJ)

**DECLARATION OF BRENDAN J.  
O'ROURKE IN SUPPORT OF  
RADIANCY, INC.'S MOTION FOR  
RELIEF FROM CASE MANAGEMENT  
SCHEDULING ORDER**

22  
23 RADIANCY, INC.,  
Counterclaim Plaintiff,  
24 vs.  
25

Honorable Judge Richard Seeborg

26 TRIA BEAUTY, INC.,  
Counterclaim Defendant,  
and  
27

28 KIMBERLY KARDASHIAN,  
Counterclaim Defendant.

1 I, Brendan J. O'Rourke, declare as follows:

2 1. I submit this declaration in support of Radiancy's Motion for Relief  
3 from the Case Management Scheduling Order in this matter.

4 2. I am an attorney licensed to practice law in the State of New York and  
5 am admitted *pro hac vice* in the above-captioned matter. I am a member of  
6 Proskauer Rose, LLP, attorneys for Defendant-Counterclaimant Radiancy, Inc.  
7 ("Radiancy"). The facts set forth herein are of my own personal knowledge and, if  
8 called to testify under oath, I could and would testify competently thereto.

9 3. Attached as Exhibit 1 is a true and correct copy of an email chain  
10 from counsel for TRIA Beauty, Inc. ("TRIA") to counsel for Radiancy, with the  
11 latest email in the chain dated January 4, 2012.

12 4. Attached as Exhibit 2 is a true and correct copy of an email from  
13 counsel for Radiancy to counsel for TRIA, dated December 22, 2011.

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15 I declare under penalty of perjury under the laws of the United States of  
16 America that the foregoing is true and correct.

17 Executed on March 9, 2012 at New York, New York.

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19 /s/ Brendan J. O'Rourke  
Brendan J. O'Rourke

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